



# ADR NEWSLETTER



Air Force ADR Program Office

July 2004

Office of the General Counsel

## Focus Points

- **AFI 51-1201 Publication and Implementation**
- **Web-based ADR Data Collection**
- **ADR Success Stories**

## The Bottom Line



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Deputy General Counsel  
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A lot has happened in the Air Force-ADR world since our last newsletter. In April, the new AFI 51-1201, *ADR in Workplace Disputes*, was published and disseminated to the field. You have probably seen it already, but if not, it's available on the Air Force PDO website

at: <http://www.e-publishing.af.mil/pubfiles/af/51/afi51-1201/afi51-1201.pdf>. Since publication, we've been busy getting the word out. Secretary Roche and General Fiscus (TJAG) have issued messages to Air Force commanders and SJAs urging a renewed effort to develop and improve our ADR programs. We have uploaded lots of new content to the Air Force ADR website related to the AFI, and we're planning to work with MAJCOMs over the next several months to help them improve their programs. SAF/GCD considers itself a customer service organization; you are our customers, so please ask us for help.

On another front, there's been plenty of talk and speculation about the National Security Personnel System. SAF/GCD has been actively involved with our DOD ADR counterparts and the Air Force and DOD NSPS planners to ensure that whatever workplace dispute resolution processes emerge as part of NSPS, they will include a strong ADR component. In addition, we are actively pursuing training initiatives to help the workforce make the transition.

This issue of the newsletter highlights best practices and success stories from bases around the Air Force. If your base has a best practice or a success story you'd like to share with Air Force ADR professionals and other interested readers, call Monique Eisenhardt at DSN 227-7656, (703) 697-7656, or send her an e-mail at [monique.eisenhardt@pentagon.af.mil](mailto:monique.eisenhardt@pentagon.af.mil).

## Air Force Leaders Tout ADR, New AFI

In a series of pronouncements following publication of AFI 51-1201, *ADR in Workplace Disputes*, Air Force leaders have given their strong support to the AFI and reaffirmed their commitment to ADR for resolving disputes. In a letter to senior Air Force commanders, Air Force Secretary Dr. James Roche wrote, "As civilians assume a greater role in our Total Force, we must employ all means possible to improve those systems designed to enhance our workforce productivity, including dispute resolution...I urge each of you to make a personal commitment to ensuring the Air Force achieves the full measure of benefits of Alternative Dispute Resolution and this Instruction."

In her quarterly report to the Air Force legal team, General Counsel Mary L. Walker observed, "Over the past several years the systematic use of [ADR] techniques in Air Force contract and workplace disputes has yielded tremendous benefits for the Air

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***- Dr. James Roche  
Secretary of the Air Force***

Force...The publication of the new AFI 51-1201...presents us with an important and strategic opportunity to review and improve our civilian workplace dispute procedures." Added Major General Thomas J. Fiscus, the Judge Advocate General, in a message to the JAG Corps: "ADR, through its emphasis on collaborative processes and accommodation of competing interests, can be a powerful tool for solving problems...Our proactive role with the implementation of AFI 51-1201 is an important step."  
*(continued on page 6)*



**U.S. AIR FORCE**

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## Interest Based Negotiations

**Navigation Links:**

- [Press & Speeches](#)
- [Federal Govt & ADR Associations](#)
- [Top ADR Folders](#)
- [Other ADR Links/Resources](#)

**External Association Links:**

- [AFI 51-1201 Compliance Checklist](#)

**Sample Appointment Letters**

- [ADR Champion \(MAJCOM\)](#)
- [ADR Champion \(Installation\)](#)
- [Collateral Duty Mediator Appointment](#)

**Sample of Published Policy and ADR Plans:**

**Neutrals:**

- [Application form](#)
- [Sample Position Description](#)
- [Standards of Conduct](#)
- [Training Requirements](#)

**Office Management**

- ADR Requirements Request Form (under construction)**
- General Program Information**
  - [List of FODs of Interest](#)
  - [Roster of Mediators Spreadsheet](#)

**Publication of AFI 51-1201:**

AFI 51-1201, users are strongly advised to

**Privacy Security Notice**

ADR ACHIEVEMENTS

**Guide Index (AFI 51-1201)**

# Web-based ADR Data Collection

Last year, for the first time, SAF/GCD used an electronic database to collect and report ADR data for FY 2003. This year, for the FY 2004 report, ADR data collection will be entirely web-based. While the reporting format will look similar to last year's report, gone will be the headaches of manual distribution and "synchronization" of the data files. GCD expects to complete development of the database by 1 September for full deployment to the field for the FY 2004 report later this fall. Authorized users will access the reporting tool via the World Wide Web, and all information submitted will be transmitted directly to a centralized secure server. Base users will be able to retrieve, edit and print their data, and MAJCOMs

The screenshot shows the 'ADR DataEntry Control Panel' interface. At the top, there are links for 'Home' and 'Logout'. The user is logged in as 'USER: test@test.com' with 'BASE: Test Base MAJCOM: ACC'. The 'REPORTING PERIOD' is set to 'adr (dcl.dlink.com)'. The main heading is 'ADR Data Entry Application (version 1.0.6)'. Below this is a 'MAIN MENU' section with a 'Select Reporting Period' dropdown menu currently set to 'None' and a 'Select' button. The interface is divided into two columns: 'Required Forms' and 'Optional Forms'. Under 'Required Forms', there are links for 'Enter ADR Neutrals', 'Enter Non-EEO ADR Dispute Data', 'Enter Informal EEO ADR Dispute Data', 'Enter Formal EEO ADR Dispute Data', and 'Enter ADR and Labor Relations Information'. Under 'Optional Forms', there are links for 'Enter ADR Experiences' and 'Enter ADR Program Needs'.

will be able to do the same with the data submitted by all their bases. It should be a real time-saver, so stay tuned for more information!

## AFI 51-1201 FAQ

**Q: The AFI talks about designating ADR Functional Area Managers in offices that are responsible for processing workplace disputes, such as the EEO office. Would this disqualify the base EEO Manager from also serving as base ADR Champion?**

**A:** No. AFI 51-1201 ¶ 11.2 gives the installation commander the authority to appoint anyone as the ADR Champion, subject only to the recommendation that the person appointed be viewed as fair and impartial to stakeholders and be of sufficient grade or rank to carry out the duties of the ADR Champion. This certainly could include the EEO Manager. Functional Area Managers (or FAMs) are intended to be points of contact in the offices that manage workplace disputes to help the ADR Champion exercise program oversight. If the ADR Champion is also the EEO Manager, a FAM in the EEO office is probably not necessary, and is not required by the AFI.

**Q: The AFI places several ADR program responsibilities in the "installation commander." Who is the "installation commander?"**

**A:** Although the AFI does not specifically define "installation commander," it is defined by AFI 38-101 ¶ 2.3.1.3 as the commander of an installation's host unit, who discharges the duties directed by U.S. statutes or Air Force directives to be performed by the installation commander. One of those duties is appointing authority over assigned civilian personnel under AFD 36-1 ¶ 2.2. For purposes of the AFI, the installation commander is the commander exercising appointing authority over civilian personnel located on an installation. At most bases this is the operational or air base wing commander. At AFMC bases hosting centers, it is the Center commander exercising this appointing authority.

**Q: I am located at a Direct Reporting Unit or Field Operating Agency. Does the AFI require that we have an ADR Champion and develop an ADR plan?**

**A:** It depends on whether your commander has appointing authority or not. AFI 51-1201 ¶ 11.2 requires FOA and DRU commanders who have appointing authority over civilian personnel assigned to their organizations to appoint an ADR Champion. In this regard, FOA and DRU commanders are viewed as equivalent to installation commanders for purposes of ADR program responsibility. This applies only to FOA and DRU commanders with appointing authority.

# Labor-Relations Success!

## The Kirtland Mediation Course

In March, Kirtland AFB hosted the Air Force Basic Mediation Course taught by AF conflict resolution specialists and guest instructors, under the direction of Ms. Sandra McGruder of the Civilian Personnel School at Maxwell AFB, Alabama. The class roster included a diverse mix of attorneys, an IG, EEO managers, ADR champions, Department of Energy employees, and union officials, including a local vice-president. The course was a great success, helping to strengthen labor-management relations by educating management and union participants about the benefits of ADR for both parties. Participants gave the course

outstanding ratings averaging 4.91 on a 5-point scale. One participant exclaimed, "You made a believer out of a crusty union guy. Super Course!"

This was the latest in a series of improvements in the labor relations environment at Kirtland, which began last year with the 377th Air Base Wing Commander and Local 2263 Union President signing the Kirtland ADR Plan. They also signed a one-year Memorandum of Agreement (MOA) that allows the use of ADR

to resolve ULPs. Another MOA established a "full-time Union ADR Advocate position." The ADR Advocate, Mr. Moe Taylor, is a Union employee, who advocates the use of ADR in an effort to resolve employee grievances. Mr. Taylor also attended the mediation class and commented, "I have gained a much deeper appreciation of this process for being able to resolve just about any problem we might encounter." According to Solomon Starks, Kirtland EEO Manager and ADR Champion: The establishment of the Union ADR Advocate has made a big difference by giving the union a bigger stake in the efficient resolution of grievances using ADR processes, and has materially improved the labor relations environment at Kirtland. Where grievances

used to be mediated rarely, if ever, they are now regularly referred to ADR for resolution.

Since the mediation course was completed, several newly trained union mediators have observed and/or assisted in co-mediating disputes. Kirtland has adopted an innovative mediator roster that rotates mediation assignments alphabetically, thus ensuring that less-experienced mediators gain experience through observation and co-mediation and providing all mediators an equal opportunity to mediate cases. *(Continued on next page)*

***"You made a believer out of a crusty union guy. Super course!"***



Photo: Participants from the Kirtland Mediation Course

## SMC Effective Workplace Relations Course Recognized as “Best Practice”

In a recent inspection, AFSPC/IG lauded the Space and Missile Systems Center, LA AFB EEO and MEO offices as a “best practice” for their Effective Workplace Relations training program. The class trains military and civilian employees about different approaches to resolving workplace conflicts using interest-based techniques. Leonard Gonzales, SMC EEO Manager and ADR Champion at LA AFB, who led the training development, describes the course as a lab-like process—providing short vignettes of realistic workplace conflict scenarios—where the students are then asked to find different approaches to solving the conflict. The class focuses on effective ways for management to employ interest-based tools and considerations in dealing with workplace disputes/conflict—EEO/MEO or otherwise.

The class is taught by one military and one civilian trainer to build and reinforce the collaborative spirit of the course. The class size ranges from 24 to 35 people, and so far 30% of the LA AFB workforce, from the SMC 3-star Commander to wage-grade employees, has been trained in this unique conflict management training. The course has been very well received and has been made mandatory by the Commander for all SMC units, world-wide. It also could become a model for conflict-management training Air Force-wide.

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**Kirtland Mediation Course** (*Continued from previous page*) Kirtland's recent MOA, the establishment of the Union ADR Advocate, and the success of the mediation course, exemplify the dedication of management and the union to use ADR to resolve grievances better, faster, and cheaper, letting employees and supervisors alike get back to their mission.

### Upcoming Training and Events

- **Federal Dispute Resolution Conference**  
**August 15 - 19**
- **AETC ADR Conference – Randolph AFB (August)**

### Mediator's Corner

*Dear Marv the Mediator,*

*I recently mediated a formal EEO complaint. The complainant was a bargaining unit employee, and the union requested to be present, but not as the employee's representative. The employee did not object to the union's presence, so the union was allowed to sit in. How should I deal with this situation?*

The situation you describe has been the subject of considerable litigation. Regardless of how the legal issues are ultimately resolved, the decision whether to permit the union to attend an EEO formal complaint mediation (other than as the employee's representative) should be made by base Labor Relations, EEO, and legal personnel, not the mediator. Of course, the union's presence does change the dynamic of mediation, and it is always the mediator's prerogative to maintain decorum and a professional atmosphere conducive to the mediation process. Moreover, the mediator still has the legal and ethical duty to maintain confidentiality consistent with the law and the reasonable expectations of the parties. Union attendance in joint sessions may present no particular problems, but private caucuses with the employee may be another matter. Ideally, the union's interest in keeping what's said in caucus confidential will be the same as the employee's, but that may not always be the case. Here the employee's desires are especially important. As the mediator, you must take reasonable steps to ensure that what the employee wants to remain confidential, does remain confidential, and that includes the union. Whenever you are faced with this situation, be sure to consult with the LRO, ADR Champion, legal office, and even SAF/GCD, before commencing the mediation, to take appropriate steps to assure confidentiality is not breached.

## **Best Practices**

### **Tinker AFB, Oklahoma**

Home to the Oklahoma City Air Logistics Center, Tinker AFB accounts for over 10% of all Air Force workplace disputes, yet routinely has ADR attempt rates over 70%. How does a base with so many disputes get so many people to use ADR? Tinker ADR Champion Leigh Ann Bryson thinks she has the answer: parties will participate in ADR only if they want to participate. This willingness comes from aggressive marketing and word-of-mouth about the benefits of ADR as a process for collaborative problem solving. Even when participants fail to resolve their dispute, which happens in about 25% of the cases, they overwhelmingly praise the process, stating they would use it again and would recommend it to others. Tinker's program has become a model in the Air Force because it stresses ADR not simply as a dispute resolution technique, but as an essential tool for facilitating everyday communication skills between supervisors and employees. Tinker uses a wide variety of marketing tools, including brochures, posters, newsletters, presentations and training sessions. Last March was "ADR Awareness Month," with a trade fair and luncheon to tout the success of ADR in general and Tinker's program in particular.

Like most bases, Tinker relies principally on mediation as its primary ADR technique, but is exploring other methods as well. Bryson notes, "Although mediation has been a great 'security blanket' in many respects, other forms of ADR can provide a tapestry of resources tailor-made for a situation or issue." Moreover, she says, "There are a great number of resources available to us that we have barely tapped and some overlap to provide optimum opportunities for resolution. We have more resources than we have ever had in the field on methodology through the web, chat rooms, books and periodicals, organizations, universities, and so on." The Tinker ADR program has had great success utilizing other forms of ADR for disputes that don't fit the typical mold. For example, Tinker facilitators have resolved several multi-party, even multi-*organizational*, disputes at Tinker and other bases. In addition, Tinker has partnered with several Oklahoma universities and the Oklahoma Board of Regents to develop and deliver negotiation and conflict resolution training for college credit.

## **Altus AFB, Oklahoma**

For years, Altus' ADR program consisted mostly of EEO complaints. Last year, Altus took a bold step toward reinvigorating its program by standing up the ADR Working Group, an offshoot of the Labor-Management Partnership Council. Members include the SJA, CPO, EEO Manager, NAF HR Manager and senior union stewards. The Working Group built a new ADR plan to aggressively pursue ADR in grievances and other labor-management disputes that had previously stuck to traditional dispute resolution methods. Regular meetings of the Working Group ensure that potential labor-management issues and percolating disputes are identified and worked early. As a result, the Group resolved 10 out of 12 Unfair Labor Practice cases, and several potential ULPs were identified and eliminated early on. For its efforts, the Altus ADR plan and Working Group were cited by the AETC IG as best practices during a recent ORI.

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*(Continued from front page)* In a report to MAJCOM commanders of their commands' FY 2003 ADR performance, Shirley C. Williams, Deputy Director of Air Force Personnel Policy (AF/DPP), stated: "This AFI (51-1201) reflects a partnership between AF/DPP and SAF/GCD to fully realize the benefits of ADR for all MAJCOMs and at all Air Force installations. At the same time, it provides commanders and their staffs flexibility to tailor ADR programs to fit their local circumstances and mission requirements."

Senior leadership support and the efforts of dedicated professionals throughout the Air Force have contributed to the Air Force ADR Program winning six national awards for excellence since 1999.



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